

DECISIONS PER CURIAM, FROM OCTOBER 1, 1923, TO AND INCLUDING JANUARY 28, 1924, NOT INCLUDING ACTION ON PETITIONS FOR WRITS OF CERTIORARI.

No. 15, Original. October Term, 1922. COMMONWEALTH OF PENNSYLVANIA, *v.* STATE OF WEST VIRGINIA; and

No. 16, Original. October Term, 1922. STATE OF OHIO *v.* STATE OF WEST VIRGINIA. October 8, 1923. Petition for rehearing granted; and cases set for reargument on Monday, November 19 next, at the head of the call for that day. *Mr. Edward T. England*, Attorney General of the State of West Virginia, *Mr. Fred O. Blue*, *Mr. George M. Hoffheimer*, *Mr. Philip P. Steptoe* and *Mr. William S. John*, for defendant, in support of the petition. See *ante*, p. 350.

No. —. SHOOTERS ISLAND SHIPYARD COMPANY *v.* STANDARD SHIPBUILDING CORPORATION;

No. —. UNITED STATES *v.* STANDARD SHIPBUILDING CORPORATION; and

No. —. UNITED STATES *v.* STANDARD SHIPBUILDING CORPORATION. Motion for leave to file petition for appeals to the Circuit Court of Appeals for the Second Circuit submitted June 11, 1923. Decided October 8, 1923. Motion for leave to file petition for appeals herein denied. *Mr. Alfred A. Wheat*, Special Assistant to the Attorney General, for petitioners.

No. —, Original. UNITED STATES *v.* EDWIN L. GARVIN, JUDGE, DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF NEW YORK. Submitted June 11, 1923. Decided October 8, 1923. Motion for leave to file petition for a writ of prohibition or mandamus herein

denied. *Mr. Alfred A. Wheat*, Special Assistant to the Attorney General, for petitioner.

No. —, Original. *Ex parte*: IN THE MATTER OF EMPIRE MACHINERY & SUPPLY COMPANY ET AL., PETITIONERS. Submitted October 1, 1923. Decided October 8, 1923. Motion for leave to file petition for a writ of mandamus and/or prohibition and/or certiorari herein denied. *Mr. Jacob Louis Morewitz* for petitioners.

No. —, Original. *Ex parte*: IN THE MATTER OF THE STATE OF NEW YORK ET AL., PETITIONERS. Submitted October 1, 1923. Decided October 8, 1923. Motion for leave to file petition for a writ of prohibition, mandamus, or certiorari herein denied. *Mr. Clarence C. Fowler* for petitioners.

No. 46. TITLE GUARANTY & TRUST COMPANY ET AL., EXECUTORS, ETC. *v.* WILLIAM H. EDWARDS, COLLECTOR OF INTERNAL REVENUE, ETC. Error to the District Court of the United States for the Southern District of New York. Argued October 4, 1923. Decided October 8, 1923. Per *Curiam*. Dismissed for want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Cdt.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Graham*, 253 U. S. 193, 195. *Mr. James F. Brady* for plaintiffs in error. *Mr. Alfred A. Wheat*, Special Assistant to the Attorney General, with whom *Mr. Solicitor General Beck* was on the briefs, for defendant in error.

No. 154. J. O'NEAL SANDEL, ADMINISTRATOR, ETC. *v.* STATE OF SOUTH CAROLINA. Error to the Supreme Court of the State of South Carolina. Motion to affirm sub-

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mitted October 1, 1923. Decided October 8, 1923. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Louisiana Navigation Co. v. Oyster Commission*, 226 U. S. 99, 101; *Schlosser v. Hemphill*, 198 U. S. 173, 175; *Missouri & Kansas Interurban Ry. Co. v. Olathe*, 222 U. S. 185, 186. *Mr. Samuel M. Wolfe*, for defendant in error, in support of the motion. *Mr. William N. Graydon*, for plaintiff in error, in opposition to the motion.

NO. 286. AETNA INSURANCE COMPANY ET AL. *v.* STOKES V. ROBERTSON, STATE REVENUE AGENT, ETC. Error to the Supreme Court of the State of Mississippi. Motion to dismiss or affirm submitted October 1, 1923. Decided October 8, 1923. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, § 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5-6. *Mr. Earl N. Floyd*, for defendant in error, in support of the motion. *Mr. William H. Watkins*, *Mr. R. L. McLaurin*, *Mr. William Thompson*, *Mr. Edward L. Blodgett* and *Mr. Foye M. Murphy*, for plaintiffs in error, in opposition to the motion. [See *infra*, 678, 698.]

NO. 386. INDIAN TERRITORY ILLUMINATING OIL COMPANY *v.* BARTLESVILLE ZINC COMPANY ET AL. Appeal from the Circuit Court of Appeals for the Third Circuit. Motion to dismiss submitted October 1, 1923. Decided October 8, 1923. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Shulthis v. McDougal*, 225 U. S. 561, 568, 569; *Hull v. Burr*, 234 U. S. 712, 720; *St. Anthony Church v. Pennsylvania R. R. Co.*, 237 U. S. 575, 577, 578; *Norton v. Whiteside*, 239 U. S. 144, 147. *Mr. Joseph B. Cotton*, for appellees, in support of the motion. *Mr. Watson B. Robinson*, *Mr. William J. Hughes*

and *Mr. Charles A. Frueauff*, for appellant, in opposition to the motion. [See *infra*, 701.]

NO. 1. LUELLA SWARTWOOD, AS SOLE ADMINISTRATRIX, ETC., *v.* LEHIGH VALLEY RAILROAD COMPANY. Error to the Court of Appeals of the State of New York. Submitted October 2, 1923. Decided October 8, 1923. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, § 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5-6. *Mr. Charles C. Annabel* and *Mr. Frederick S. Tyler* for plaintiff in error. *Mr. Riley H. Heath* for defendant in error.

NO. 7. AMERICAN RAILWAY EXPRESS COMPANY *v.* COMMONWEALTH OF KENTUCKY. Error to the Court of Appeals of the State of Kentucky. Submitted October 2, 1923. Decided October 8, 1923. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, § 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5-6. *Mr. Charles W. Stockton* and *Mr. Lawrence Maxwell* for plaintiff in error. *Mr. Kenneth E. Stockton* and *Mr. Hamilton Vreeland, Jr.*, were also on the brief. *Mr. Charles I. Dawson* for defendant in error.

NO. 6. SCHOOL DISTRICT OF THE BOROUGH OF GREENSBURG *v.* S. T. LOPES ET AL. Error to the Supreme Court of the State of Pennsylvania. Argued October 2, 1923. Decided October 8, 1923. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Graham*, 253

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U. S. 193, 195. *Mr. James S. Beacom* for plaintiff in error. *Mr. James S. Moorehead* and *Mr. Robert W. Smith* appeared for defendants in error.

No. 41. *F. E. WEAR ET AL. v. VIRGIL W. JOHNSTON ET AL.* Error to the Supreme Court of the State of Kansas. Argued October 4, 1923. Decided October 8, 1923. *Per Curiam.* Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, § 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5-6. *Mr. Samuel Feller*, with whom *Mr. H. M. Langworthy* was on the briefs, for plaintiffs in error. *Mr. Douglas Hudson* appeared for defendants in error.

No. 23. *MANGUM ELECTRIC COMPANY v. CAMPBELL RUSSELL ET AL., INDIVIDUALLY, ETC.* Appeal from the District Court of the United States for the Western District of Oklahoma. Submitted October 3, 1923. Decided October 8, 1923. *Per Curiam.* Action below to enjoin utility rates as in violation of the due process clause of the Fourteenth Amendment. Rates sustained as reasonable by State Commission, State Supreme Court, and the United States District Court below. Appellees have filed brief. Appellant has failed to do so. The Court declines, in the absence of a brief, to examine a lengthy record to determine whether the evidence contained therein overcomes the presumption attaching to the finding of the commission and two courts. Decree affirmed. *Mr. George F. Short* and *Mr. C. A. Galbraith* for appellees. No brief filed for appellant.

No. 50. *A. BOURJOIS & COMPANY, INC. v. GEORGE W. ALDRIDGE, COLLECTOR OF THE PORT OF NEW YORK, ET AL.*

On a certificate from the Circuit Court of Appeals for the Second Circuit. Argued October 5, 1923. Decided October 8, 1923. *Per Curiam*. The two questions certified by the Circuit Court of Appeals for Second Circuit are answered in the affirmative, upon the authority of *Bourjois & Co. v. Katzel*, 260 U. S. 689, the defendant not objecting. *Mr. Hans v. Briesen* for A. Bourjois & Co., Inc. *Mr. Solicitor General Beck* and *Mr. Harry E. Knight*, Special Assistant to the Attorney General, for Aldridge, submitted..

No. 404. October Term, 1922. THOMAS D. MCCARTHY, UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF NEW YORK, *v.* JULES W. ARNDSTEIN. Appeal from the District Court of the United States for the Southern District of New York. October 15, 1923. The petition for a rehearing in this case is granted; and the case assigned for reargument on Monday, November 19 next, after the cases heretofore assigned for that day. *Mr. Solicitor General Beck*, *Mr. Lindley M. Garrison*, *Mr. Saul S. Myers* and *Mr. Walter H. Pollak*, for appellant, in support of the petition. *Mr. W. Randolph Montgomery*, by leave of Court, filed a brief as *amicus curiae*. [See 262 U. S. 355.]

No. 55. HECTOR H. ELWELL *v.* UNITED STATES ET AL. Appeal from the District Court of the United States for the Northern District of Illinois. Submitted October 5, 1923. Decided October 15, 1923. *Per Curiam*. Dismissed for the want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Graham*, 253 U. S. 193, 195. *Mr. Roy D. Keehn* for appellant. *Mr. Charles C. Case* was also on the brief. *Mr. Solicitor General Beck*, *Mr. Assistant Attorney Gen-*

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eral Riter and Mr. LeRoy L. Hight, Special Assistant to the Attorney General, for appellees. Mr. R. S. Collins was also on the brief.

No. 61. ANNIE VIOLA DOUGLAS *v.* J. W. RHODES. Appeal from the District Court of the United States for the Eastern District of Arkansas. Argued October 10, 1923. Decided October 15, 1923. *Per Curiam*. Dismissed for the want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Graham*, 253 U. S. 193, 195. Mr. Patrick H. Loughran for appellant. Mr. J. A. Tellier, with whom Mr. Zal Harrison, Mr. T. W. Davis, Mr. S. C. Costen, Mr. Joe Rhodes, Jr., and Mr. D. F. Taylor were on the brief, for appellee.

No. 69. CHICAGO COLD STORAGE WAREHOUSE COMPANY *v.* UNITED STATES. Appeal from the Court of Claims. Argued October 12, 1923. Decided October 15, 1923. *Per Curiam*. Affirmed upon the authority of *Baltimore & Ohio R. R. Co. v. United States*, 261 U. S. 592; *United States v. North American Transportation Co.*, 253 U. S. 330, 333. Mr. Charles T. Tittmann and Mr. Peter B. Nelson, with whom Mr. Reeves T. Strickland and Mr. Donald Defrees were on the briefs, for appellant. Mr. Alfred A. Wheat, Special Assistant to the Attorney General, with whom Mr. Solicitor General Beck was on the brief, for the United States.

No. 202. HARRIET C. BRITTIN *v.* S. E. JUDEN, PRESIDING JUSTICE, ET AL. Appeal from the District Court of the United States for the Eastern District of Missouri. Submitted, pursuant to the 32d Rule, October 15, 1923.

Decided October 22, 1923. *Per Curiam*. Decree affirmed with costs, upon the authority of *Colvin v. Jacksonville*, 158 U. S. 456, 459-460; *El Paso Water Co. v. El Paso*, 152 U. S. 157, 159. *Mr. Patrick H. Cullen* and *Mr. T. T. Fauntleroy* for appellant. *Mr. Arthur L. Oliver* and *Mr. Edward D. Hays* for appellees.

No. 80. *MATT WALSER v. CITY OF SIOUX FALLS*. Error to the Municipal Court of the City of Sioux Falls, State of South Dakota. Submitted October 15, 1923. Decided October 22, 1923. *Per Curiam*. Dismissed for the want of jurisdiction upon the authority of: (1) *Equitable Life Assurance Society v. Brown*, 187 U. S. 308, 314; *Consolidated Turnpike Co. v. Norfolk, etc., Ry. Co.*, 228 U. S. 596, 600; *Pennsylvania Hospital v. Philadelphia*, 245 U. S. 20, 24; (2) *Chapin v. Fye*, 179 U. S. 127, 130; *Hunter v. Pittsburgh*, 207 U. S. 161, 176; *Booth v. Indiana*, 237 U. S. 391, 394; *Gasquet v. Lapeyre*, 242 U. S. 367, 369; (3) *Vigliotti v. Pennsylvania*, 258 U. S. 403, 408. *Mr. Joe Kirby* for plaintiff in error. *Mr. Joe H. Kirby* and *Mr. Thos. H. Kirby* were also on the brief. *Mr. R. W. Parlman* and *Mr. W. G. Porter* for defendant in error. *Mr. R. W. Parlman, Jr.*, was also on the brief.

No. 286. *AETNA INSURANCE COMPANY ET AL. v. STOKES V. ROBERTSON, STATE REVENUE AGENT, ETC.* Error to the Supreme Court of the State of Mississippi. November 12, 1923. *Per Curiam*. Petition for rehearing denied. The authorities under which this case was dismissed were not § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, § 2, 39 Stat. 726; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 5-6, as stated in the per curiam of October 8, 1923, but were: *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S.

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580, 583; *Piedmont Power & Light Co. v. Graham*, 253 U. S. 193, 195. Mr. William H. Watkins, Mr. R. L. McLaurin, Mr. William Thompson, Mr. Edward L. Blodgett and Mr. Foye M. Murphy, for plaintiffs in error. Mr. Earl N. Floyd for defendant in error. [See *ante*, 673; *infra*, 698.]

No. 157. *HARRY KELLMAN v. CITY OF ST. LOUIS*. Error to the Supreme Court of the State of Missouri. Motion to dismiss submitted October 22, 1923. Decided November 12, 1923. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Bailiff v. Tipping*, 2 Cranch, 406; *Brown v. Union Bank*, 4 How. 465, 466; *Hogan v. Ross*, 9 How. 602, 603; *Insurance Co. v. Mordecai*, 21 How. 195, 201; *Kitchen v. Randolph*, 93 U. S. 86, 87; *United States v. Phillips*, 121 U. S. 254. Mr. George F. Haid, for defendant in error, in support of the motion. Mr. Wm. L. Bohnenkamp and Mr. George Eigel appeared for plaintiff in error.

No. —, Original. *Ex parte*: IN THE MATTER OF L. SANTIAGO CARMONA ET AL., PETITIONERS. Submitted November 12, 1923. Decided November 19, 1923. Motion for leave to file petition for a writ of mandamus herein denied. Mr. F. Granville Munson and Mr. Grant T. Trent for petitioners.

No. 545. *STATE OF OHIO EX REL. GEORGE S. HAWKE v. ROBERT A. LEBLOND, AS PRESIDING JUDGE, ETC.* Error to the Supreme Court of the State of Ohio. November 19, 1923. *Per Curiam*. The motion to advance is denied. The application for certiorari is also denied, and the writ of error is dismissed by the Court of its own motion, upon authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, § 2, 39 Stat. 726. Mr.

George S. Hawke for plaintiff in error. *Mr. Robert A. Le-Blond* for defendant in error.

NO. 314. UNITED STATES *v.* ROGER B. WOOD, TRUSTEE IN BANKRUPTCY, ETC. Appeal from the Circuit Court of Appeals for the Second Circuit. Motion to dismiss or affirm submitted October 22, 1923. Decided November 19, 1923. *Per Curiam*. Judgment affirmed, upon the authority of *United States Shipping Board Emergency Fleet Corp. v. Wood*, 258 U. S. 549, 570, 574; *Guarantee Title & Trust Co. v. Title Guaranty & Surety Co.*, 224 U. S. 152. *Mr. Godfrey Goldmark*, for defendant in error, in support of the motion. *Mr. Solicitor General Beck* and *Mr. Henry M. Ward*, for the United States, in opposition to the motion.

NO. 105. CITY OF WINFIELD *v.* COURT OF INDUSTRIAL RELATIONS ET AL. Error to the Supreme Court of the State of Kansas. Argued November 13, 1923. Decided November 19, 1923. *Per Curiam*. Dismissed for want of jurisdiction, upon the authority of *Trenton v. New Jersey*, 262 U. S. 182; *Newark v. New Jersey*, 262 U. S. 192; *Sapulpa v. Oklahoma Natural Gas Co.*, 258 U. S. 608; *Edgewood v. Wilkinsburg & East Pittsburgh Street Ry. Co.*, 258 U. S. 604; *Avon v. Detroit United Railway*, 257 U. S. 618; *Chicago v. Chicago Railways Co.*, 257 U. S. 617; *Groesbeck v. Detroit United Railway*, 257 U. S. 609; *Hillsboro v. Public Service Commission of Oregon*, point (3), 255 U. S. 562; *Kansas City v. Public Service Commission of Missouri*, 250 U. S. 652; *Pawhuska v. Pawhuska Oil Co.*, 250 U. S. 394; *Hunter v. Pittsburgh*, 207 U. S. 161, 178. *Mr. Alfred M. Jackson*, with whom *Mr. Charles B. Smith*, *Mr. Jesse E. Torrence* and *Mr. Schuyler C. Bloss* were on the brief, for plaintiff in error. *Mr. Fred S. Jackson* and *Mr. H. O. Caster* appeared for defendants in error.

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No. 15, Original. STATE OF OKLAHOMA *v.* STATE OF TEXAS, UNITED STATES, INTERVENER. Submitted November 19, 1923. Decided November 26, 1923. Motion for leave to file petition in intervention of Charles West in this cause denied. *Mr. Cordenio A. Severance* and *Mr. Edward P. Keech, Jr.*, for petitioner. *Mr. Solicitor General Beck*, *Mr. Assistant Attorney General Riter* and *Mr. W. W. Dyar*, Special Assistant to the Attorney General, for the United States.

No. 607.. STANDARD OIL COMPANY OF NEW JERSEY *v.* SOUTHERN PACIFIC COMPANY. On writ of certiorari to the Circuit Court of Appeals for the Second Circuit. November 26, 1923. Motions (1) that the order of this Court on November 12, 1923, granting a petition for a writ of certiorari be restricted to the respondents Southern Pacific Co. and Director General of Railroads, and be vacated as to the personal injury, cargo, and passenger claimants against whom no error is assigned in the petition; and/or (2) that the transcript of record be diminished by at least 500 pages so as to include only evidence bearing directly or indirectly on the errors of law assigned in the petition and brief for certiorari, submitted by *Mr. D. Roger Englar*, *Mr. T. Catesby Jones*, and *Mr. James W. Ryan*, counsel for Roberts, Carter & Co. and other cargo claimants, and by *Mr. Henry O. Falk* and *Mr. Lawrence B. Cohen*, counsel for Bonita Hearn and Dolores Francis, personal injury and passenger claimants, and motions granted.

No. 104. JOHN MAYNARD HARLAN *v.* JAMES S. HARLAN. Appeal from the Court of Appeals of the District of Columbia. Argued November 26, 27, 1923. Decided December 3, 1923. *Per Curiam*. This case has become moot because of the institution of the second suit in the Supreme

Court of the District of Columbia, and the passing of the property involved to the receiver in that suit with the consent of the plaintiff in this. The cause is therefore remanded to the Court of Appeals with directions to modify its previous decree and enter an order remanding the cause to the Supreme Court of the District directing it to dismiss the case as moot, awarding no costs to either party. *United States v. Hamburg-American Co.*, 239 U. S. 466, 475; *Board of Public Utility Commissioners v. Compañia General*, 249 U. S. 425, 426-7; *Heitmuller v. Stokes*, 256 U. S. 359, 362; *Atherton Mills v. Johnston*, 259 U. S. 13, 15-16. *Mr. Henry E. Davis* for appellant. *Mr. Henry S. Robbins* for appellee.

No. 62. *UNITED STATES v. CALIFORNIA MIDWAY OIL COMPANY ET AL.* Appeal from the Circuit Court of Appeals for the Ninth Circuit. Argued December 3, 1923. Decided December 10, 1923. *Per Curiam*. Affirmed upon the authority of *Washington Securities Co. v. United States*, 234 U. S. 76, 78; *Baker v. Schofield*, 243 U. S. 114, 118; *Southern Ry. Co. v. Puckett*, 244 U. S. 571, 574; *Piedmont & Georges Creek Coal Co. v. Seaboard Fisheries Co.*, 254 U. S. 1, 13. *Mr. H. L. Underwood*, Special Assistant to the Attorney General, with whom *Mr. Solicitor General Beck* was on the brief, for the United States. *Mr. Geo. E. Whitaker* and *Mr. U. T. Clotfelter*, for appellees, submitted.

No. 172. *WILLIAM LEATHER ET AL. v. MARK J. WHITE.* Appeal from the Circuit Court of Appeals for the Seventh Circuit. Argued December 10, 1923. Decided December 10, 1923. Decree reversed with costs; and cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings. *Mr. Oliver J. Cook*, with whom *Mr. George W. Wilbur* was on

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the brief, for appellants. *Mr. Assistant Attorney General Ottinger*, with whom *Mr. Solicitor General Beck* was on the brief, for appellee. [See *post*, 687.]

Nos. 341 and 342. *B. I. SALINGER, Jr. v. VICTOR LOISEL, U. S. MARSHAL, ETC.* Appeal from the District Court of the United States for the Eastern District of Louisiana. Order entered December 10, 1923. On consideration of the petition this day filed herein by the above named appellant, and after hearing counsel for the appellant and counsel for the appellees at the bar, It is ordered that the record and proceedings in that certain cause now depending in the United States Circuit Court of Appeals for the Fifth Circuit, numbered 4088, wherein *B. I. Salinger, Jr.*, is appellant and *The United States of America and Victor Loisel*, as United States Marshal, are appellees, be certified to this Court for its consideration, review, and determination; It is further ordered that all further proceedings by the said Circuit Court of Appeals in said cause, other than the announcement and delivery of an opinion by such court in such cause, are hereby stayed; And it is further ordered that the said appellant, *B. I. Salinger, Jr.*, be admitted to bail pending the consideration and disposal of said cause by this Court, upon condition that he give a bond in the penal sum of ten thousand dollars, with surety to be approved by the Clerk of this Court, and conditioned for his appearance and surrender pursuant to the ultimate order of this Court in such cause, and for his obedience to that order and to any intervening order in the cause which this Court may make; And it is further ordered that the bond so given shall be in addition to and independent of any other bond or bonds which the said *B. I. Salinger, Jr.*, may have given in other proceedings, and that the rights and remedies of the United States on the bond given here-

under shall be in addition to the rights and remedies which the United States may have on any other bond given by the said Salinger. *Mr. St. Clair Adams, Mr. Benj. I. Salinger and Mr. H. L. Salinger* for appellant. *Mr. Solicitor General Beck and Mr. Alfred A. Wheat*, Special Assistant to the Attorney General, for appellee.

No. 223. *GROVER E. CLEMMINGS v. UNITED STATES*. Error to the District Court of the United States for the District of Minnesota. Motion to transfer submitted December 10, 1923. Decided January 7, 1924. *Per Curiam*. Cause transferred to the Circuit Court of Appeals for the Eighth Circuit, upon authority of Act of September 14, 1922, c. 305, 42 Stat. 827; *Heitler v. United States*, 260 U. S. 438, 439. *Mr. Ernest Lundeen* for plaintiff in error. *Mr. Solicitor General Beck and Mr. Assistant Attorney General Crim* for the United States.

No. 203. *ANGEL FIGUEROA v. UNITED STATES*. On petition for a writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Motion to dismiss submitted December 10, 1923. Decided January 7, 1924. Motion to dismiss petition for a writ of certiorari herein under Rule 37 granted; and petition dismissed. *Mr. Solicitor General Beck*, for the United States, in support of the motion. *Mr. C. B. Hudspeth and Mr. Leander A. Dale* for petitioner.

No. 256. *E. E. GOODNO v. SOUTH FLORIDA FARMS COMPANY*. Error to the Supreme Court of the State of Florida. Motion to dismiss submitted December 3, 1923. Decided January 7, 1924. *Per Curiam*. Dismissed for the want of jurisdiction upon the authority of *Louisiana Navigation Co. v. Oyster Commission of Louisiana*, 226

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U. S. 99, 101; *Coe v. Armour Fertilizer Works*, 237 U. S. 413, 418, 419; *Grays Harbor Co. v. Coats-Fordney Co.*, 243 U. S. 251, 255; *Bruce v. Tobin*, 245 U. S. 18, 19. Mr. Daniel Thew Wright, Mr. W. Russell Osborne and Mr. Philip Ershler, for defendant in error, in support of the motion. Mr. Benjamin Micou, for plaintiff in error, in opposition to the motion.

No. —, Original. *Ex parte*: IN THE MATTER OF KANSAS CITY SOUTHERN RAILWAY COMPANY ET AL., PETITIONERS. Submitted January 2, 1924. Decided January 7, 1924. Motion for leave to file petition for a writ of mandamus and/or a writ of prohibition herein denied. Mr. Thomas P. Littlepage for petitioners.

No. 364. G. S. SWANSON ET AL. *v.* JACK SARJA. Error to the Supreme Court of the State of Minnesota. Motion to dismiss or affirm submitted January 2, 1924. Decided January 7, 1924. *Per Curiam*. Dismissed for the want of jurisdiction upon the authority of *Miller v. Cornwall R. R. Co.*, 168 U. S. 131, 134; *New York Central R. R. Co. v. New York*, 186 U. S. 269, 273; *Thomas v. Iowa*, 209 U. S. 258, 263; *Consolidated Turnpike Co. v. Norfolk, etc., Ry. Co.*, 228 U. S. 326, 331. Mr. D. F. Lyons, for defendant in error, in support of the motion. Mr. George Francis Williams, Mr. Henry C. Clark, Mr. G. S. Swanson and Mr. H. G. Swanson, for plaintiffs in error, in opposition to the motion.

No. 127. ANTHONY MOLINARI *v.* STATE OF MARYLAND; and

No. 480. PETER WEISENGOFF *v.* STATE OF MARYLAND. Error to the Court of Appeals of the State of Maryland. Argued January 2, 1924. Decided January 7, 1924. *Per*

Curiam. Affirmed with costs upon the authority of: (1) *Vigliotti v. Pennsylvania*, 258 U. S. 403; (2) *Forsyth v. Hammond*, 166 U. S. 506, 518; *Commissioners v. Bancroft*, 203 U. S. 112, 118-119; *St. Louis Southwestern Ry. Co. v. Arkansas*, 235 U. S. 350, 362. Mr. Clarence Lippel, with whom Mr. Arch A. Young and Mr. Carl G. Mullin were on the brief, for plaintiff in error in No. 127. Mr. Saul Praeger, with whom Mr. Joseph N. Ulman and Mr. G. Tyler Smith were on the brief, for plaintiff in error in No. 480. Mr. Alexander Armstrong and Mr. Lindsay C. Spencer appeared for defendant in error.

No. 129. *TIMES SQUARE AUTO SUPPLY COMPANY, INC. v. KANSAS CITY, MISSOURI, ET AL.* Appeal from the District Court of the United States for the Western District of Missouri. Argued January 2, 1924. Decided January 7, 1924. *Per Curiam*. Reversed with costs; and remanded with directions to dismiss for lack of jurisdiction, in that the bill of complaint did not show that the amount involved was in excess of \$3,000. Section 24, Judicial Code, paragraph "First"; *Vance v. Vandercook Co.*, No. 2, 170 U. S. 468, 472; *El Paso Water Co. v. El Paso*, 152 U. S. 157, 159; *Colvin v. Jacksonville*, 158 U. S. 456, 459-460. Mr. Arthur Miller and Mr. Maurice H. Winger, for appellant, submitted. Mr. Samuel J. McCulloch was also on the brief. Mr. John B. Pew and Mr. Egbert F. Halstead, with whom Mr. Ilus M. Lee was on the brief, for appellees.

No. 118. *JAMES C. DAVIS, AS AGENT, ETC. v. E. M. MATTHEWS, ADMINISTRATOR, ETC.* Certiorari to the Supreme Court of the State of South Carolina. Argued December 4, 5, 1923. Decided January 7, 1924: *Per Curiam*. Affirmed with costs upon the authority of: (1) *Seaboard Air Line Ry. v. Padgett*, 236 U. S. 668, 673; *Central Ver-*

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mont Ry. Co. v. White, 238 U. S. 507, 509; (2) *Illinois Central R. R. Co. v. Skaggs*, 240 U. S. 66, 70; *Spokane & Inland Empire R. R. Co. v. Campbell*, 241 U. S. 497, 509; (3) *Southern Ry. Co. v. Bennett*, 233 U. S. 80, 86; *Louisville & Nashville R. R. Co. v. Holloway*, 246 U. S. 525, 529. *Mr. F. L. Willcox* and *Mr. Thomas W. Davis*, with whom *Mr. Henry E. Davis* was on the brief, for petitioner. *Mr. R. E. Whiting*, with whom *Mr. D. Gordon Baker* and *Mr. Felix E. Alley* were on the brief, for respondent.

No. 172. *WILLIAM LEATHER ET AL. v. MARK J. WHITE*. Appeal from the Circuit Court of Appeals for the Seventh Circuit. Argued December 10, 1923. Decided January 7, 1924. *Per Curiam*. Decree reversed with costs; and cause remanded to the said Circuit Court of Appeals for further proceedings on the merits in consideration of the decree of the District Court of the United States for the Northern District of Illinois dated and entered July 7, 1921. *Mr. Oliver J. Cook*, with whom *Mr. George W. Wilbur* was on the brief, for appellants. *Mr. Assistant Attorney General Ottinger*, with whom *Mr. Solicitor General Beck* was on the brief, for appellee. [See *ante*, 682.]

No. 558. *CHICAGO, ROCK ISLAND & PACIFIC RAILWAY COMPANY ET AL. v. GWENDEN SHAFFER, BY HER GUARDIAN, ETC.* Error to the Supreme Court of the State of Missouri. Motion to dismiss or affirm submitted January 7, 1924. Decided January 14, 1924. *Per Curiam*. Affirmed upon the authority of *Minneapolis & St. Louis Ry. Co. v. Beckwith*, 129 U. S. 26; *Missouri, Kansas & Texas Ry. Co. v. May*, 194 U. S. 267; *Louisville & Nashville R. R. Co. v. Melton*, 218 U. S. 36, 52-53; *Jeffrey Mfg. Co. v. Blagg*, 235 U. S. 571, 576-577; *Rast v. Van Deman & Lewis Co.*, 240 U. S. 342, 357-358; *New York Central*

R. R. Co. v. White, 243 U. S. 188, 208. *Mr. Platt Hubbell*, for defendant in error, in support of the motion. *Mr. John E. Dolman*, *Mr. M. L. Bell*, *Mr. W. F. Dickinson*, *Mr. Bruce Scott*, *Mr. H. J. Nelson* and *Mr. J. G. Trimble*, for plaintiffs in error, in opposition to the motion.

NO. 711. CITY OF NEW YORK *v.* JAMES McENTEE ET AL. Error to the Supreme Court of the State of New York. Argued January 8, 9, 1924. Decided January 14, 1924. *Per Curiam*. Dismissed for the want of jurisdiction upon the authority of *Hunter v. Pittsburgh*, 207 U. S. 161, 178; *Pawhuska v. Pawhuska Oil Co.*, 250 U. S. 394; *Trenton v. New Jersey*, 262 U. S. 182; *Newark v. New Jersey*, 262 U. S. 192, 196. *Mr. George P. Nicholson* and *Mr. John F. O'Brien*, for plaintiff in error, submitted. *Mr. E. Clarence Aiken*, with whom *Mr. Carl Sherman* was on the brief, for defendants in error.

NO. 144. FRANCIS WRENN *v.* STATE OF IOWA. Error to the Supreme Court of the State of Iowa. Submitted January 4, 1924. Decided January 14, 1924. *Per Curiam*. Affirmed. *State v. Wrenn*, 194 Iowa, 552, 557; *Hatch v. Reardon*, 204 U. S. 152, 160; *Hendrick v. Maryland*, 235 U. S. 610, 621; *Dahnke-Walker Milling Co. v. Bondurant*, 257 U. S. 282, 289. *Mr. T. M. Zink* for plaintiff in error. *Mr. Bruce J. Flick* for defendant in error. *Mr. Ben J. Gibson* was also on the brief.

NO. 153. JOSE E. BENEDICTO, AS TREASURER OF PORTO RICO, *v.* PORTO RICAN AMERICAN TOBACCO COMPANY OF PORTO RICO. Appeal from the District Court of the United States for Porto Rico. Argued January 11, 1924. Decided January 14, 1924. *Per Curiam*. Reversed with

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the direction to dismiss upon the authority of: (1) *Irwin v. Wright*, 258 U. S. 219, 222; *Gorham Mfg. Co. v. Wendell*, 261 U. S. 1, 5; (2) *United States v. Hamburg-American Co.*, 239 U. S. 466, 475; *Board of Public Utility Commissioners v. Compañia General*, 249 U. S. 425, 426-427; *Brownlow v. Schwartz*, 261 U. S. 216, 217-218. *Mr. Grant T. Trent*, with whom *Mr. F. Granville Munson* was on the brief, for appellant. *Mr. H. Lewis Brown*, with whom *Mr. Branch P. Kerfoot* and *Mr. A. H. Burroughs* were on the brief, for appellee.

No. —, Original. Ex parte: IN THE MATTER OF CLARENCE H. VENNER, PETITIONER. Submitted January 14, 1924. Decided January 21, 1924. Motion for leave to file a petition for a writ of mandamus herein denied. *Mr. Elijah N. Zoline* for petitioner. *Mr. J. P. Blair*, *Mr. Wm. F. Herrin* and *Mr. Garret W. McEnerney* for respondent.

No. 258. JOSEPH RINI ET AL. v. STATE OF LOUISIANA. Error to the Supreme Court of the State of Louisiana. Motion to dismiss or affirm submitted January 14, 1924. Decided January 21, 1924, *Per Curiam*. Dismissed for lack of a federal question. *Spencer v. Duplan Silk Co.*, 191 U. S. 526, 530; *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. *Mr. A. V. Coco* and *Mr. Paul A. Sompayrac*, for defendant in error, in support of the motion. *Mr. A. D. Henriques* and *Mr. George J. Gullota*, for plaintiffs in error, in opposition to the motion.

No. 177. UNITED STATES v. E. W. GRAY ET AL. Appeal from the Circuit Court of Appeals for the Eighth Circuit. Argued January 18, 1924. Decided January 21, 1924.

Per Curiam. Dismissed for lack of jurisdictional amount required by § 241, Judicial Code. *Mr. S. W. Williams*, Special Assistant to the Attorney General, with whom *Mr. Solicitor General Beck* was on the brief, for the United States. *Mr. C. W. King*, with whom *Mr. George F. Short* was on the brief, for appellees.

No. 171. JOAB H. BANTON, DISTRICT ATTORNEY, ETC. *v.* EDWARD M. FULLER ET AL. Appeal from the District Court of the United States for the Southern District of New York. Submitted January 14, 1924. Decided January 21, 1924. *Per Curiam.* Judgment reversed with costs; and cause remanded to the said District Court to be dealt with in the legal discretion of the court. *Dier v. Banton*, 262 U. S. 147, 151; *Ex parte Fuller*, 262 U. S. 91. *Mr. John Caldwell Myers* for appellant. *Mr. Arthur Garfield Hays* appeared for appellees.

No. 147. JOAB H. BANTON, DISTRICT ATTORNEY, ETC. *v.* SAMUEL RUSKAY ET AL., ETC. Appeal from the District Court of the United States for the Southern District of New York. Submitted January 16, 1924. Decided January 21, 1924. *Per Curiam.* Decree reversed; and cause remanded to the said District Court to be dealt with in the legal discretion of the court. *Dier v. Banton*, 262 U. S. 147, 151; *Ex parte Fuller*, 262 U. S. 91. *Mr. John Caldwell Myers* for appellant. *Mr. Harry J. Gerrity* for appellees.

No. 173. UNITED STATES EX REL. NELIDA A. DURNFORD *v.* HUBERT WORK, SECRETARY OF THE INTERIOR. Error to the Court of Appeals of the District of Columbia. Argued January 17, 1924. Decided January 21, 1924. *Per Curiam.* Judgment affirmed upon the authority of

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Certiorari Granted.

Riverside Oil Co. v. Hitchcock, 190 U. S. 316; *Ness v. Fisher*, 223 U. S. 683; *Alaska Smokeless Coal Co. v. Lane*, 250 U. S. 549; *Hall v. Payne*, 254 U. S. 343; *Brown v. Hitchcock*, 173 U. S. 473, 479. *Mr. Samuel Herrick*, with whom *Mr. P. W. Spaulding* was on the brief, for plaintiff in error. *Mr. H. L. Underwood*, Special Assistant to the Attorney General, with whom *Mr. Solicitor General Beck* was on the brief, for defendant in error.

No. 178. UNITED STATES *v. J. P. RANSOM*. Error to the Circuit Court of Appeals for the Eighth Circuit. Argued January 18, 1924. Decided January 21, 1924. *Per Curiam*. Judgment affirmed upon the authority of *McCurdy v. United States*, 246 U. S. 263, 273. *Mr. S. W. Williams*, Special Assistant to the Attorney General, with whom *Mr. Solicitor General Beck* was on the brief, for the United States. *Mr. C. W. King*, with whom *Mr. George F. Short* was on the brief, for defendant in error.

PETITIONS FOR CERTIORARI GRANTED, FROM
OCTOBER 1, 1923, TO AND INCLUDING JAN-
UARY 28, 1924.

No. 357. UNITED STATES *v. EDWARD H. CHILDS*, TRUSTEE IN BANKRUPTCY, ETC. October 8, 1923. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Solicitor General Beck* for petitioner. *Mr. Moses Cohen* for respondent.

No. 365. B. FERNANDEZ & BROS., SUCCESSORS, *v. LEONOR AYLLON Y OJEDA*, ETC. October 8, 1923. Petitions for a writ of certiorari to the Circuit Court of Appeals for the